

**At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 1st day of April, two thousand nine,**

**PRESENT:** Hon. Dennis Jacobs  
Hon. Guido Calabresi  
Hon. José A. Cabranes  
Hon. Rosemary S. Pooler  
Hon. Robert D. Sack  
Hon. Sonia Sotomayor  
Hon. Robert A. Katzmann  
Hon. Barrington D. Parker  
Hon. Reena Raggi  
Hon. Richard C. Wesley  
Hon. Peter W. Hall  
Hon. Debra A. Livingston

**IT IS HEREBY ORDERED**, that the Local Rules of the United States Court of Appeals for the Second Circuit are hereby amended, effective April 15, 2009, by the adoption of Interim Local Rule 12.1 and amendment of Local Rule 46, as set forth below. The Clerk of Court shall publish the new Interim Local Rules inviting comment to be submitted by May 1, 2009. Anyone wishing to comment should do so, in writing, to:

Catherine O'Hagan Wolfe  
Clerk of Court  
United States Court of Appeals  
40 Foley Square  
New York, NY 10007

**Interim Local Rule 12.1 Acknowledgment and Notice of Appearance in All Appeals**

- (a)** Upon completion of the appeal docketing requirements, the clerk sends all parties to the appeal a docketing notice assigning a docket number and enclosing a copy of the appellate docket sheet. Within 14 calendar days after receiving the docketing letter, all

parties must complete and return to the clerk the Acknowledgment and Notice of Appearance form, available on the court's website. Counsel of record listed on the form must be admitted in this court. This form satisfies the requirements of FRAP 12(b).

- (b)** An attorney who appears in a case on behalf of a party or as an amicus curiae must file a notice of appearance at the time the attorney enters the case in the form available on the court's website.

#### **Interim Local Rule 46.1 Attorneys Admission and Discipline**

- (a)** ~~(Interim) An applicant shall file with the clerk of the Court of Appeals, in addition to the material required by F.R.A.P. Rule 46, a certificate in writing on a form approved by the court that the applicant has read and is familiar with the Federal Rules of Appellate Procedure (F.R.A.P.) and the local rules of this court.~~ **Admission Requirements; Procedures.** Except as otherwise provided in these rules, counsel of record for all parties and any attorney appearing on behalf of a party or amicus curiae must be admitted to practice before this court, and must certify their admission on the Acknowledgment and Notice of Appearance form filed in accordance with Local Rule 12.1.

- (1)** **Applying for Admission.** To request admission to this court, an attorney must complete an application in the form available on this court's website, comprised of:

- (A)** applicant's admission form;
- (B)** applicant's statement and certification ~~(Interim) An applicant shall file with the clerk of the Court of Appeals, in addition to the material required by F.R.A.P. Rule 46, a certificate in writing on a form approved by the court that the applicant has read and is familiar with the Federal Rules of Appellate Procedure (F.R.A.P.) and the local rules of this court; and,~~
- (C)** sponsor's affidavit and motion.

- (2)** **Renewal of Admission.** An attorney is admitted for a period of five years, and must renew admission every five years for an additional five-year period. Renewal requires submission of an attorney admission renewal application in the form available on this court's website.

- (A)** **Failure to Renew; Inactive Status.** An attorney who fails to renew admission within one month of the expiration of the five-year period is placed in inactive status. An attorney in inactive status must complete the

renewal process to practice before the court. After 12 months in inactive status, an attorney is removed from the court's admission roll and must reapply for admission in accordance with paragraph (a)(1).

**(B) Admission Renewal Schedule.** An attorney already admitted to practice in this court must initially renew admission in accordance with the timetable below, and must thereafter renew admission every five years based on this initial renewal date.

(i) Admission on or after July 1, 2004. An attorney admitted to this court on or after July 1, 2004, must initially renew admission no later than five years from the original date of admission.

(ii) Admission before July 1, 2004. An attorney admitted to this court before July 1, 2004, must renew admission no later than the anniversary date of the original admission as it occurs during the period July 2009 through June 2010.

**(b) Change in Contact Information.** An attorney admitted to practice in this court must promptly notify the clerk of a change in any of the contact information required on the attorney admission data form. With the filing required by F.R.A.P. 46 and "(a)" above, a motion for admission may be made in writing, in which event it will be acted upon by a single judge, or orally at the beginning of any session of the Court without presence of the applicant being required. The movant shall represent that the movant has read the certificate filed in accordance with "(a)" above and that it meets the requirements of this Rule.

**(c) Fees.** An attorney applying for Each applicant upon admission or renewal of admission must shall pay to the clerk a fee which shall be set by the court; and posted on the Court's website. to be held by the court in an appropriate depository and expended upon order of the chief judge for the expenses of the Law Library of the court located in the United States Courthouse, Foley Square, New York City, for out-of-pocket expenses incurred by attorneys or counselors assigned by the court to represent indigent persons not reimbursable under 18 U.S.C. §3006A or other applicable statute, or for other extraordinary purposes approved by the court.

**(d) Counsel of record for all parties must be admitted to practice before this court.—**  
**Pro Hac Vice Admission .** Oral argument may be presented only by an attorney admitted to practice before this court. An attorney may be admitted pro hac vice to represent a party or amicus curiae in a particular proceeding without formally applying for admission or paying the admission fee. Pro hac vice admission is granted upon the submission of a written motion to the court before filing a notice of appearance. To qualify, the attorney must be:

- (1) ~~Under exceptional circumstances an attorney may be admitted to argue an appeal pro hac vice. Such admission will be extended as a matter of course to a member of the B~~bar of a ~~D~~district ~~C~~court within the circuit who has represented a criminal defendant at trial and appears for that defendant on an appeal taken under pursuant to 18 U.S.C. §3006A~~;~~; or
- (2) ~~who is acting for any party in an appeal taken~~ who is proceeding in forma pauperis; or
- (3) able to demonstrate exceptional circumstances justifying admission for the particular proceeding.
1. ~~A notice of appearance must be filed in each case by counsel of record and, if different, by counsel who will argue the appeal, not later than the date of filing the appellant's brief on a form to be provided by the clerk.~~
- 2(4) ~~A corporation may not appear pro se. Papers submitted on behalf of a corporation for whom no counsel has entered an appearance will not be filed.~~

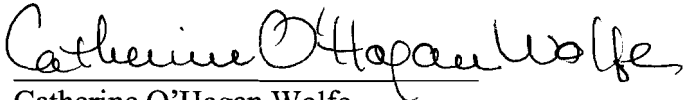
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**(h) Committee on Admissions and Grievances.**

1. Appointment, members. The court shall appoint a standing committee of ~~nine~~ members of the bar to be known as the Committee on Attorney Admissions and Grievances. Three of those first appointed shall serve for the term of one year; three for two years; and the remainder and all thereafter appointed shall serve for the term of three years. Each member shall serve until a member's successor has been appointed. If a member shall hold over after the expiration of the term for which a member was appointed, the period of the member's hold-over shall be treated as part of the term of the member's successor. The court may vacate any

such appointment at any time. In the case of any vacancy caused by death, resignation, or otherwise, any successor appointed shall serve the unexpired term of the successor's predecessor. The court shall designate one of the members to serve as chairman whenever it may for any reason be necessary. ~~Five members of the Committee shall constitute a quorum.~~ The court shall appoint a member of the bar as secretary of the Committee, who shall not be entitled to vote on its proceedings.

FOR THE COURT

  
Catherine O'Hagan Wolfe  
Clerk of Court

April 1, 2009

Underline - Matter Added  
Strikeout - Matter Deleted